

### **REMARKS**

Claims 1-19 are pending in the application. Claims 1, 17 and 19 are amended with this response. Reconsideration of the application is respectfully requested based on the following remarks.

#### **I. REJECTION OF CLAIMS 1-5, 8-9 AND 11-19 UNDER 35 U.S.C. § 102(e)**

Claims 1-5, 8-9 and 11-19 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,055,268 (Timm et al.). Withdrawal of the rejection is respectfully requested for at least the following reasons.

- i. Timm et al. do not teach a modem comprising a data collection and reorganization unit that is configured to assembly upstream DSL signals into a single Ethernet signal for transmission, as recited in claims 1, 17 and 19.***

Claim 1 is directed to a modem for bi-directional transport of an Ethernet signal over a configurable number of telephone lines. The modem comprises a data collection and reorganization unit that is configured to assemble upstream DSL signals into a single Ethernet signal. Claims 17 and 19 also recite a data collection and reorganization unit. Timm et al. do not teach this feature.

Timm et al. disclose in Fig. 3b a DSL modem 330 that operates as a router. The DSL modem 330 is operably coupled to multiple computing devices 340, 342, 344 that each have a DSL modem associated therewith. Col. 16, lines 9-11 of Timm et al. clearly states that the DSL modem 330 operates as a router, and Fig. 3b shows the router 330 routing data from the computing devices to a local area network 320. As is well known to those of ordinary skill in the art, a router does not assemble multiple signals into a single signal. Rather, a router receives data from each computing device, and then routes it separately, via the local area network 320, to another remote terminal, either directly over the LAN 320, or over multiple servers. Typically, such

routing is performed using a destination address provided within the data provided by the computing devices 340, 342, and 344, respectively.

More particularly, a router typically receives data from each node (340, 342, 344), parses the data into packets, and reads packet header information to identify the destination address of the packet. Then the router "routes" that packet to its appropriate destination as a single signal over the LAN 320 in accordance with the destination address information. A subsequent packet is then sent as another, different signal in a time-multiplexed fashion. Therefore the DSL router 330 of Timm et al. does not combine signals received at its DSL ports from the devices 340, 342 and 344, into a single Ethernet signal. Therefore Timm et al. do not teach a data collection reorganization unit as claimed, and thus fails to anticipate the claimed invention.

In addition, one of ordinary skill in the art would not be motivated to modify Timm et al. in accordance with the claimed invention. If the separate signals coming from each of the computing devices 340, 342, 344 of Timm et al. were combined in the router 330, then the subsequent parsing and sending of packets to the various different destinations would become either more difficult, or impossible. For example, if device 340 were wanting to transfer a large file (comprising numerous packets) to destination #1, and device 342 were attempting to transfer a large file (comprising numerous packets) to destination #2, combining the two large files together at the router 330 would make it difficult to send the appropriate packets to destination #1 and destination #2, respectively. Doing so would take either a longer period of time due to the administrative overhead of accounting for the various packets with different destination addresses that have been disadvantageously combined together, or would be impossible. Therefore not only does Timm et al. not anticipate the invention of claim 1, but one of ordinary skill in the art would not be motivated to modify Timm et al. in accordance with the claimed invention. Accordingly, withdrawal of the rejection is respectfully requested.

**II. REJECTION OF CLAIMS 17-19 UNDER NONSTATUTORY OBVIOUSNESS-  
TYPE DOUBLE PATENTING**

Claims 17-19 were rejected under obviousness-type double patenting over U.S. Patent No. 6,088,368 in view of Timm et al. Withdrawal of the rejection is respectfully requested for at least the following reasons.

Without conceding whether the claims 1, 2 and 9 render claims 17-19 obvious, but for the details of the modem, Timm et al. do not teach a data collection and reorganization unit for the reasons set for in Section I above. Therefore claims 17-19 are non-obvious over the cited art. Accordingly, withdrawal of the rejection is respectfully requested.

**III. CONCLUSION**

For at least the above reasons, the claims currently under consideration are believed to be in condition for allowance.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should any fees be due as a result of the filing of this response, the Commissioner is hereby authorized to charge the Deposit Account Number 50-1733, REIP101USA.

Respectfully submitted,  
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